

**SILVER PALM COMMUNICATIONS, INC.**  
**SECTION 64.2009(E) CERTIFICATION**

I, Kent Foster, a duly authorized officer of Silver Palm Communications, Inc.  
("Silver Palm"), hereby certify on behalf of Silver Palm that I have personal knowledge  
that the company has established operating procedures that are adequate to ensure  
compliance with the rules of the Federal Communications Commission, codified at 47  
C.F.R. Subpart U, implementing Section 222 of the Communications Act of 1934, as  
amended.

A handwritten signature in black ink, appearing to read "Kent S. Foster", written over a horizontal line.

Kent S. Foster  
Chairman  
Silver Palm Communications, Inc.  
February 1, 2006

**STATEMENT REGARDING OPERATING PROCEDURES  
IMPLEMENTING 47 C.F.R. SUBPART U  
GOVERNING USE OF  
CUSTOMER PROPRIETARY NETWORK INFORMATION (CPNI)  
EFFECTIVE FEBRUARY 1, 2006**

The following statement explains how the operating procedures of Silver Palm Communications, Inc. ("Silver Palm") ensure that it is in compliance with the Commission's CPNI rules, as codified at 47 C.F.R. Subpart U.

**I. Use of customer proprietary network information without customer approval.**

**A.** Silver Palm may use, disclose, or permit access to CPNI for the purpose of providing or marketing service offerings among the categories of service to which the customer already subscribes from Silver Palm, without customer approval. Silver Palm presently offers CMRS to its customers.

(1) If a customer subscribes to Silver Palm's CMRS services, Silver Palm may share that customer's CPNI with its affiliated entities that provide a service offering to the customer.

(2) If a customer does not subscribe to more than one of Silver Palm's offerings, Silver Palm is not permitted to share CPNI with its affiliates, except as provided in § 64.2007(b). Silver Palm's operating procedures prohibit the sharing of CPNI between affiliates in such circumstances.

**B.** Silver Palm may not use, disclose, or permit access to CPNI to market to a customer service offerings that are within a category of service to which the subscriber does not already subscribe from Silver Palm, unless Silver Palm has customer approval to do so, except as described in Section I.C.

(1) Silver Palm may use, disclose, or permit access to CPNI derived from the provision of CMRS, without customer approval, for the provision of CPE and information service(s).

(2) Silver Palm may not use, disclose or permit access to CPNI to identify or track customers that call competing service providers. For example, Silver Palm may not use local service CPNI to track all customers that call CMRS competitors.

**C.** Silver Palm may use, disclose, or permit access to CPNI, without customer approval, as follows:

(1) Silver Palm may use, disclose, or permit access to CPNI, in its provision of inside wiring installation, maintenance, and repair services.

(2) Silver Palm may use, disclose, or permit access to CPNI for the purpose of conducting research on the health effects of CMRS.

(3) Silver Palm may use CPNI to market services formerly known as adjunct-to-basic services, such as, but not limited to, speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., and call forwarding.

D. Silver Palm may use, disclose, or permit access to CPNI to protect the company's rights or property, or to protect its users and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, Silver Palm's services.

## **II. Approval required for use of customer proprietary network information.**

A. Silver Palm may obtain customer approval through written, oral or electronic methods. Silver Palm's operating procedures require customer approval through written, oral, or electronic methods in accordance with FCC rules.

(1) Where Silver Palm obtains oral approval, it bears the burden of demonstrating that such approval has been given in compliance with the FCC's rules.

(2) A customer's approval or disapproval obtained by Silver Palm to use, disclose, or permit access to the customer's CPNI the use of CPNI outside of the customer's total service relationship with Silver Palm must remain in effect until the customer revokes or limits such approval or disapproval. Silver Palm's operating procedures comply with this requirement.

(3) Silver Palm must maintain records of notification and approval, whether oral, written or electronic, for at least one year. Silver Palm's operating procedures comply with this requirement.

### **B. Use of Opt-Out and Opt-In Approval Processes.**

(1) Silver Palm may, subject to opt-out approval or opt-in approval, use its customer's individually identifiable CPNI for the purpose of marketing communications-related services to that customer. Silver Palm may, subject to opt-out approval or opt-in approval, disclose its customer's individually identifiable CPNI, for the purpose of marketing communications-related services to that customer, to its agents; its affiliates that provide communications-related services; and its joint venture partners and independent contractors. Silver Palm may also permit such persons or entities to obtain access to such CPNI for such purposes. Any such disclosure to or access provided to joint venture partners and

independent contractors shall be subject to the safeguards set forth in Section II.B(2).

Silver Palm's operating procedures comply with this requirement.

(2) Joint Venture/Contractor Safeguards. If Silver Palm discloses or provides access to CPNI to its joint venture partners or independent contractors, it shall enter into confidentiality agreements with independent contractors or joint venture partners that comply with the following requirements. The confidentiality agreement shall:

- (i) Require that the independent contractor or joint venture partner use the CPNI only for the purpose of marketing or providing the communications-related services for which that CPNI has been provided;
- (ii) Disallow the independent contractor or joint venture partner from using, allowing access to, or disclosing the CPNI to any other party, unless required to make such disclosure under force of law; and
- (iii) Require that the independent contractor or joint venture partner have appropriate protections in place to ensure the ongoing confidentiality of consumers' CPNI.

Silver Palm's operating procedures comply with these requirements.

(3) Except for use and disclosure of CPNI that is permitted without customer approval under Section I, or that is described Section II.B(1), or as otherwise provided in section 222 of the Communications Act of 1934, as amended, Silver Palm may only use, disclose, or permit access to its customer's individually identifiable CPNI subject to opt-in approval.

Silver Palm's operating procedures comply with this requirement.

### **III. Notice required for use of customer proprietary network information.**

#### **A. Notification, Generally.**

(1) Prior to any solicitation for customer approval, Silver Palm must provide notification to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI.

(2) Silver Palm must maintain records of notification, whether oral, written or electronic, for at least one year.

Silver Palm's operating procedures comply with this requirement.

**B.** Individual notice to customers must be provided when soliciting approval to use, disclose, or permit access to customers' CPNI.

Silver Palm's operating procedures comply with this requirement.

**C.** Content of Notice.

Customer notification must provide sufficient information to enable the customer to make an informed decision as to whether to permit Silver Palm to use, disclose, or permit access to, the customer's CPNI.

(1) The notification must state that the customer has a right, and Silver Palm has a duty, under federal law, to protect the confidentiality of CPNI.

(2) The notification must specify the types of information that constitute CPNI and the specific entities that will receive the CPNI, describe the purposes for which CPNI will be used, and inform the customer of his or her right to disapprove those uses, and deny or withdraw access to CPNI at any time.

(3) The notification must advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI, and must clearly state that a denial of approval will not affect the provision of any services to which the customer subscribes. However, Silver Palm may provide a brief statement, in clear and neutral language, describing consequences directly resulting from the lack of access to CPNI.

(4) The notification must be comprehensible and must not be misleading.

(5) If written notification is provided, the notice must be clearly legible, use sufficiently large type, and be placed in an area so as to be readily apparent to a customer.

(6) If any portion of a notification is translated into another language, then all portions of the notification must be translated into that language.

(7) Silver Palm may state in the notification that the customer's approval to use CPNI may enhance Silver Palm's ability to offer products and services tailored to the customer's needs. Silver Palm also may state in the notification that it may be compelled to disclose CPNI to any person upon affirmative written request by the customer.

(8) Silver Palm may not include in the notification any statement attempting to encourage a customer to freeze third-party access to CPNI.

(9) The notification must state that any approval, or denial of approval for the use of CPNI outside of the service to which the customer already subscribes from Silver Palm is valid until the customer affirmatively revokes or limits such approval or denial.

(10) Silver Palm's solicitation for approval must be proximate to the notification of a customer's CPNI rights.

Silver Palm's operating procedures comply with these requirements.

**D. Notice Requirements Specific to Opt-Out.**

Silver Palm must provide notification to obtain opt-out approval through electronic or written methods, but not by oral communication (except as provided in paragraph F of this section). The contents of any such notification must comply with the requirements of paragraph C of this section.

(1) Silver Palm must wait a 30-day minimum period of time after giving customers notice and an opportunity to opt-out before assuming customer approval to use, disclose, or permit access to CPNI. Silver Palm may, in its discretion, provide for a longer period. Silver Palm must notify customers as to the applicable waiting period for a response before approval is assumed.

(i) In the case of an electronic form of notification, the waiting period shall begin to run from the date on which the notification was sent; and

(ii) In the case of notification by mail, the waiting period shall begin to run on the third day following the date that the notification was mailed.

(2) Insofar as Silver Palm is using the opt-out mechanism, it must provide notices to its customers every two years.

(3) If Silver Palm uses e-mail to provide opt-out notices, it must comply with the following requirements in addition to the requirements generally applicable to notification:

(i) Silver Palm must obtain express, verifiable, prior approval from consumers to send notices via e-mail regarding its service in general, or CPNI in particular;

(ii) Silver Palm must allow customers to reply directly to e-mails containing CPNI notices in order to opt-out;

(iii) Opt-out e-mail notices that are returned to Silver Palm as undeliverable must be sent to the customer in another form before Silver Palm may consider the customer to have received notice;

(iv) Silver Palm must ensure that the subject line of the message clearly and accurately identifies the subject matter of the e-mail; and

(v) Silver Palm must make available to every customer a method to opt-out that is of no additional cost to the customer and that is available 24 hours a day, seven days a week. Silver Palm may satisfy this requirement through a combination of methods, so long as all customers have the ability to opt-out at no cost and are able to effectuate that choice whenever they choose.

Silver Palm's operating procedures comply with this requirement.

**E. Notice Requirements Specific to Opt-In.**

Silver Palm may provide notification to obtain opt-in approval through oral, written, or electronic methods. The contents of any such notification must comply with the requirements of paragraph C of this section.

Silver Palm's operating procedures comply with this requirement.

**F. Notice Requirements Specific to One-Time Use of CPNI.**

(1) Silver Palm may use oral notice to obtain limited, one-time use of CPNI for inbound and outbound customer telephone contacts for the duration of the call, regardless of whether Silver Palm uses opt-out or opt-in approval based on the nature of the contact.

(2) The contents of any such notification must comply with the requirements of paragraph C of this section, except that Silver Palm may omit any of the following notice provisions if not relevant to the limited use for which Silver Palm seeks CPNI:

(i) Silver Palm need not advise customers that if they have opted-out previously, no action is needed to maintain the opt-out election;

(ii) Silver Palm need not advise customers that they may share CPNI with their affiliates or third parties and need not name those entities, if the limited CPNI usage will not result in use by, or disclosure to, an affiliate or third party;

(iii) Silver Palm need not disclose the means by which a customer can deny or withdraw future access to CPNI, so long as Silver

Palm explains to customers that the scope of the approval Silver Palm seeks is limited to one-time use; and

(iv) Silver Palm may omit disclosure of the precise steps a customer must take in order to grant or deny access to CPNI, as long as Silver Palm clearly communicates that the customer can deny access to his CPNI for the call.

Silver Palm's operating procedures comply with this requirement.

#### **IV. Safeguards required for use of customer proprietary network information.**

A. Silver Palm must implement a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI.

Silver Palm's operating procedures comply with this requirement.

B. Silver Palm must train its personnel as to when they are and are not authorized to use CPNI, and Silver Palm must have an express disciplinary process in place.

Silver Palm's operating procedures comply with this requirement.

C. Silver Palm must maintain a record, electronically or in some other manner, of its own and its affiliates' sales and marketing campaigns that use its customers' CPNI. Silver Palm shall maintain a record of all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI. The record must include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as a part of the campaign. Silver Palm shall retain the record for a minimum of one year.

Silver Palm's operating procedures comply with this requirement.

D. Silver Palm must establish a supervisory review process regarding its compliance with the FCC's CPNI rules for outbound marketing situations and maintain records of its compliance for a minimum period of one year. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request for customer approval.

Silver Palm's operating procedures comply with this requirement.

E. Silver Palm must have an officer, as an agent of Silver Palm, sign a compliance certificate on an annual basis stating that the officer has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the rules in this subpart. Silver Palm must provide a statement accompanying the certificate explaining how its operating procedures ensure that it is or is not in compliance with the rules in this subpart.

Silver Palm's operating procedures comply with this requirement.

**F.** Silver Palm must provide written notice within five business days to the FCC of any instance where the opt-out mechanisms do not work properly, to such a degree that consumers' inability to opt-out is more than an anomaly.

**(1)** The notice shall be in the form of a letter, and shall include Silver Palm's name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it will be/was implemented, whether the relevant state commission(s) has been notified and whether it has taken any action, a copy of the notice provided to customers, and contact information.

**(2)** Such notice must be submitted even if Silver Palm offers other methods by which consumers may opt-out.

Silver Palm's operating procedures comply with this requirement.